

**ASSEMBLY BILL**

**No. 554**

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**Introduced by Assembly Member Mullin**

February 20, 2013

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An act to amend Section 12182 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 554, as introduced, Mullin. State government: Secretary of State: Business Fees Fund.

Existing law states that it is the intent of the Legislature that moneys deposited into the Secretary of State's Business Fees Fund be used to support the programs from which the fees are collected and provides that they shall be expended to the extent that appropriations are made in the annual Budget Act.

Existing law authorizes the Secretary of State to charge and collect fees for preclearance of documents and expedited filings if the special handling does not cause disruption or delay in the process of the normal handling of documents, and if the implementation of the special handling is supported by an appropriation in the annual Budget Act. Existing law also specifies that copying and special handling fees shall be accounted as Secretary of State expenditure reimbursements.

This bill would instead provide that copying and special handling fees be paid into the Secretary of State's Business Fees Fund and would delete the requirement that the implementation of special handling be supported by an appropriation in the annual Budget Act.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 12182 of the Government Code is amended to read:

12182. (a) The Secretary of State shall charge and collect fees as provided in this article and may also by regulation establish fees to be charged and collected for copying and special handling in connection with filing documents, issuing of certificates, and other services performed by the office.

(b) Except as provided in subdivision (c), the fees shall approximate the estimated cost of copying and special handling.

(c) Fees charged for preclearance of documents and expedited filings may be in different amounts, ~~which~~ *that* shall not exceed one thousand dollars (\$1,000). Those fees may be charged only if the special handling does not cause disruption or delay in the process of normal handling of documents, ~~and if the implementation of the special handling is supported by an appropriation in the Budget Act~~ *documents*.

(d) Copying and special handling fees shall be ~~accounted as Secretary of State expenditure reimbursements paid into the Secretary of State's Business Fees Fund~~.

(e) The preclearance or expedited filing of documents by the Secretary of State or his or her employees pursuant to this section shall be considered discretionary pursuant to Section 820.2.